

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

OSCAR ROMERO DIAZ

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

Case No.: 1:23-cv-01758 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
MOTION TO PROCEED IN FORMA  
PAUPERIS, AND DIRECTING PLAINTIFF  
TO PAY FILING FEE WITHIN 20 DAYS

(Docs. 8, 9)

Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The magistrate judge recommended that Plaintiff's motion to proceed in forma pauperis be denied because Plaintiff has sufficient funds in his prisoner trust account to pay the \$405.00 filing fee for this action. (Doc. 9.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (*Id.* at 3.) The Court advised him that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff filed objections on February 20, 2024, in which he agreed to submit the \$405.00 filing fee for this action. (Doc. 10.)

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS:**

1. The Findings and Recommendations issued on February 6, 2024 (Doc. 9) are **ADOPTED** in full.
2. Plaintiff's motion to proceed in forma pauperis (Doc. 8) is **DENIED**.
3. Within 30 days from the date of service of this order, Plaintiff shall submit the \$405.00 filing fee, or this action will be dismissed without further order.

IT IS SO ORDERED.

Dated: **March 1, 2024**

Jennifer L. Thurston  
UNITED STATES DISTRICT JUDGE